

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAUL ZIMMERMAN,  
Plaintiff,

- against -

THE E.W. SCRIPPS COMPANY,  
Defendant.

Docket No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Paul Zimmerman (“Zimmerman” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant The E. W. Scripps Company (“Scripps” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of two copyrighted photographs of actress Meryl Streep dressed as Donald Trump owned and registered by Zimmerman, a New York based photojournalist. Accordingly, Zimmerman seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Zimmerman is a professional photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 361 Richard Way, North Plainfield, New Jersey 07062. Zimmerman's photographs have appeared in many publications around the United States.

6. Upon information and belief, Scripps is a corporation duly organized and existing under the laws of the State of Ohio, with a place of business at Scripps Center, 75 Ninth Avenue, New York, New York 10011. At all times material hereto, Scripps has owned and operated a website at the URL: [www.simplemost.com](http://www.simplemost.com) (the "Website").

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff's Ownership of the Photographs**

7. Zimmerman photographed actress Meryl Streep dressed as Donald Trump (the "Photographs"). A true and correct copy of the Photographs are attached hereto as Exhibit A.

8. Zimmerman is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs were registered with the U.S. Copyright Office and was given Copyright Registration Number VA 2-022-333.

### **B. Defendant's Infringing Activities**

10. Upon information and belief, on or about June 9, 2016, Scripps ran an article on the Website entitled *Best Trump Impersonation Ever -Meryl Streep Plays Trump*. See <https://www.simplemost.com/best-trump-impersonation-ever-meryl-streep-plays-trumpas->

trump/. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit B.

11. Upon information and belief, Scripps receive the Photographs from taking a screen shot of an Entertainment Tonight YouTube Video as the gutter credit on the Photographs on the Website states “Entertainment Tonight/Youtube”.

12. Scripps did not license the Photographs from Plaintiff for its article, nor did Scripps have Plaintiff’s permission or consent to publish the Photographs on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST SCRIPPS)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Scripps infringed Plaintiff’s copyright in the Photographs by reproducing and publicly displaying the Photographs on its Website. Scripps is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff’s copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Scripps have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff’s rights.

17. As a result of Defendant’s infringement of Plaintiff’s copyright and exclusive rights under copyright, Plaintiff is entitled to recover his damages and Defendant’s profits pursuant to 17 U.S.C. § 504(b).

18. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Scripps be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York

April 25, 2017

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